

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

EVAN CUMBY, JR.,

Plaintiff,

v.

CA. DEPT. OF CORRECTIONS AND  
REHABILITATION, et al.,

Defendants.

No. 2:21-cv-1897 JAM KJN P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 9, 2021, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff did not file objections to the findings and recommendations.

The court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed December 9, 2021, are adopted in full; and  
3 2. This action is dismissed without prejudice.

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5 DATED: February 8, 2022

/s/ John A. Mendez

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6 THE HONORABLE JOHN A. MENDEZ  
7 UNITED STATES DISTRICT COURT JUDGE

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